

OUR FILE NO.: 090.155440

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005 (RWS)

Plaintiff,

- against -

NOTICE OF MOTION

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax ID 894025, Individually and in his Official Capacity; SERGEANT FREDERICK SAWYER, Shield No. 2576, in his Official Capacity; SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity; LIEUTENANT CHRISTOPHER BROSCHART, Tax ID 915354, Individually and in his Official Capacity; LIEUTENANT TIMOTHY CAUGHEY, Tax ID 885374, Individually and in his Official Capacity; SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in his Official Capacity, CAPTAIN TIMOTHY TRAINER, Tax Id. 899922, Individually and in Their Official Capacity and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"); JAMAICA HOSPITAL MEDICAL CENTER; DR. ISAK ISAKOV, Individually and in his Official Capacity; DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEES "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently Unknown),

Defendants.

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C O U N S E L O R S:

PLEASE TAKE NOTICE, that upon the declaration of Paul F. Callan dated December 9, 2014, the accompanying memorandum of law in support, and upon all pleadings and proceedings heretofore had herein, defendant DR. LILIAN ALDANA-BERNIER, by her attorneys Callan, Koster, Brady, & Nagler LLP, will move before the Honorable Judge Robert W. Sweet of the United States District Court for the Southern District of New York, located in Courtroom 18C of the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment in favor of Dr. Aldana-Bernier on the grounds that no genuine issue of material fact exists to warrant a trial on plaintiff's claims for relief under 42 U.S.C. §1983 or for intentional infliction of emotional distress, as well as to dismiss plaintiff's claim of relief for declaratory judgment against Dr. Aldana-Bernier and for such other and further relief as this Honorable Court may deem just, proper and equitable.

Dated: New York, New York
 January 30, 2015

Yours, etc.,
CALLAN, KOSTER, BRADY, & NAGLER, LLP

/s/ __Paul_F._Callan_____
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